



**DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES**

**GOVERNOR'S ADVISORY COUNCIL
TO THE
DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES**

November 19, 2013

The Governor's Advisory Council to the Division of Developmental Disabilities Services met on November 19, 2013, at the 1056 Woodbrook Conference Room, Dover.

COUNCIL MEMBERS PRESENT: Anthony Horstman, Chair
Timothy F. Brooks, Ed.D.
Thomas Rust
Angie Sipple
Terri Hancharick

COUNCIL MEMBERS ABSENT: Jamie Doane

STAFF MEMBERS PRESENT: Jane Gallivan
Marie Nonnenmacher
Warren Ellis
Eddi Ashby
Vicky Gordy - minutes

GUEST PRESENT: Vicki Haschak and Brian Hartman

CALL TO ORDER: The meeting was called to order at 1:05 p.m.

NEXT MEETING: January 21, 2014 – 1 p.m. – 3 p.m.
1056 Woodbrook Conference Room, Dover

APPROVAL OF MINUTES Mr. Horstman made the motion to approve the minutes from the September 19th and October 15th, which was seconded and approved.

Additions to the Agenda Tim Brooks distributed the DE Lifespan Respite Care Network brochure to all in attendance.

DDDS Housing Vacancies

Pat Weygandt will e-mail DDDS vacancies to Council due to her absence.

DDDS FY 13 Census

SFY13 first quarter census and a census comparison of the first quarters of SFY12 and SFY 13 were distributed to the Council. The comparison revealed that an increase in 45 residential clients served occurred in SFY13 first quarter, compared to SFY12. The Council suggested placing an asterisk with an explanation at bottom of census that reports how many slots are currently available. In the past, significant amounts of vacated DDDS slots were not included in the count; this has now been corrected.

The increase of 78 clients from July 2013 to September 2013 was due to graduates from high school approved to receive DDDS services.

Day Services statistical report (March thru October 2013) was distributed and reviewed by the Council. Group supported employment was included in pre-vocational services, which is anticipated to diminish due to CMS approving DDDS group supported employment definition. Guidelines for group supported employment are currently being developed. DDDS encourages community access to include community interaction activities. Split Services are not duplicated in data. The Council suggested placing a six month mark in the split services category to identify specific services received.

DDDS is developing strategies for the lack of comprehensive planning to clients who reside with family.

Judge Rotenberg Center

DDDS has not received any replies from the letter sent to Judge Rotenberg Center (JRC), which cites the out of compliance issues regarding the use of aversive treatments. The timeline of 60 days was given to respond. Massachusetts and New Jersey reported a pattern of not receiving responses from JRC.

Warren Ellis met with guardians of the two clients that are supported at JRC. Both guardians have JRC representatives and a lawyer.

Compliance with Delaware regulations is necessary to remain an approved provider. JRC must comply with the Massachusetts Waiver to continue as an approved CMS provider. JRC reported that Massachusetts clients are supported by state funding. Delaware's DAG believes that DDDS is not obligated to use state funding to support the two clients.

New Jersey may attempt to bring clients supported by JRC back to New Jersey as well. Therefore, collaboration between Delaware DDDS and New Jersey DDDS may occur.

Waiver – Update

Eddie Ashby, who began employment with DDDS on November 4th as the Waiver Administrator was introduced to the Council. Eddie will be involved in all aspects of DDDS Waiver Programs and is currently being acclimated to DDDS.

The Council Chair applauded Jane for her efforts in meeting with families via public forums to inform and receive information regarding the development of a family support waiver. Jane continues to reach out to families. Tomorrow night she is scheduled to attend the Leach School PTA meeting in New Castle. The DDDS New Castle County Open Forum has been scheduled for December 9th at the Bear Public Library.

Feedback received during the family public forums will be utilized to develop the report that is to be presented to the Legislature (as mandated) no later than April 1, 2014. The basics plan to create a budget is to determine average cost of each service, determine average utilization of service and age when a client receives services to come to cost. DDDS state funding currently provides some family support services, which will be subtracted from cost to arrive at a budget amount. The Legislature will determine what services will be supported by the Family Support Waiver.

Jane reported the common theme throughout family forums is that families are starving for information and support to navigate system. Family Support Specialists are independent contractors with high caseloads. Reportedly, Delaware Family Voices supplies families with information. Delaware Family Voices and DDDS will collaborate to expand participation in the national Parent to Parent Program. This program matches parents with children of special health care needs, disabilities or mental health issues with parents of newly diagnosed children. Participants are thoroughly trained to provide emotional support and provide resources for parents with newly diagnosed special needs children. This program is just beginning in Delaware. This is a terrific program for families to connect and share resources. These types of connections were expressed by families, during family support meetings. Transportation continues to be an issue for families. The ability to have a flexible transportation program to engage clients in such social activities is sought by families. Reimbursements to the many families who provide transportation to family members may help reduce the costliness.

Reportedly, ARC has list of surveys to distribute to family support clients.

The Council asked about the utilization of one time family support funding of \$750,000. The funding was used to contract with additional family support specialists, contract with Delaware Autism for specialized respite, a contract proposal with Easter Seals to add additional respite, provided additional respite services to family support clients and a small amount (less than \$7000) was used for consultative services (Best Practices of Family Support) for possible designs of other support waivers. The Regional Program Directors have developed a process for families to request funds for a family support need. These forms are sent and received by the Family Support Specialist. DDDS is committed to work collaboratively with families to determine what a family support program should consist of.

CMS approved the HCBS waiver amendments on October 1st. Amendments included revisions of the supported employment definition and the addition of a "Supported Employment Group" definition. The HCBS comprehensive waiver is being reviewed to determine a prioritized list of changes. Changes currently identified include the minimum number of waived services per month threshold and performance measures (National Core Indicators Project data to be used). The target date for the draft is December. Renewal for the HCBS Waiver deadline is July 1, 2014.

Department of Labor-In Home Care Workers Covered by Fair Labor Standards Act

Jane reported that during last week's NASDDDS conference a presentation was given by the Department of Labor (DOL) addressing the In-Home Care Workers being held to FLSA rules. CMS was present during the presentation to include a DOJ attorney, Allison Barkov, assigned to represent CMS. It was reported that Allison Barkov is working collaboratively with CMS, DOL and DOJ regarding the new ruling to begin January 1, 2015.

States are to submit shared living models to determine if model falls into the exempt category. DDDS Shared Living model has a good chance of falling into the exempt category.

DDDS Budget/Budget Hearing

DHSS is presenting FY15 budget to the budget director on November 26th. Due to this being the initial presentation, DDDS is present but does not provide a presentation until the JFC Budget Hearings. The Chair of the GAC will testify at the Hearing supporting the DDDS Budget request.

The family support waiver is targeted for FY16, which is depended upon funding.

Marie is to send Brian Hartman budget numbers.

Electronic Case Management System News

The RFP is currently being reviewed at the last step of the DTI review process.

NASDDDS Conference News

Much focus was given to the DOJ and states struggle with issues relating to community based services. Delaware does well in some areas and requires ongoing work in other areas.

Jane presented Governor Jack Markell with the NASDDDS Ben Censoni Award for Excellence in Public Service for his outstanding leadership in promoting the employment of people with disabilities, at the NASDDDS Conference.

DDDS Policy & Management of Clients Serviced who use many Medications

Frann Anderson will present NCI Data for Systems Change - Use of Medications to Address Mood, Anxiety, Psychosis and Behavior and State Efforts to Address during the next Governor's Advisory Council meeting.

DDDS Policy for Addressing Excess Weight for Clients Served

Discussion relating to obesity issues, particularly with clients prescribed psychotropic medications was had by Council. Women with a history of sexual abuse may present weight issues. Dr. Gallucci continues his work to create a dual diagnosis clinic, which may help determine if mental health issues may be involved with weight gain.

Doctor recommendations are presented during yearly physicals although challenges in system arise especially with clients who require no guardianship that do not wish to follow diet. More data is expected from the NCI Project, which will present the magnitude of obesity issues; afterwards strategies may be discussed. Providers currently have strategies in place and group home or institutional living provides fewer opportunities for clients to present weight issues. Healthy Eating and Exercise was presented earlier this year during the Self Advocacy Conference. DDDS continues to work toward clients maintaining a healthy weight.

Announcements and Informational Items

The Council continues to seek a new member who is of Republican or Independent political affiliation.

The Delaware Lifespan Respite Care Network received a \$100,000 grant supported by DSAAPD, with \$50,000 identified for folks moving from institutional care to the community (family or other placements).

A \$50,000 grant was requested from the Disabled American Veteran Service Trust to help support the 90,000 veterans in Delaware.

DDDS is completing the rate study, mandated by Delaware's Legislature to be submitted in January 2014.

Four tables from the 2013 State of the States in Developmental Disabilities was distributed and discussed by Council. HCBS Waiver Cost per participate in Delaware reflected \$105,203 and Delaware's Family Support programs rank 47th out 51 (including District of Columbia) states, which is not good. Advocacy groups could use data to achieve support. The State of the States in Developmental Disabilities is available online at <http://www.stateofthestates.org/>.

Adjournment

The meeting adjourned at 3:02 p.m.